

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, JUNE 18, 2003**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank de la Fe, Hunter Mill District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
Ronald W. Koch, Sully District
Ilyong Moon, Commissioner At-Large
Peter F. Murphy, Jr., Springfield District
Linda Q. Smyth, Providence District

ABSENT: Joan M. DuBois, Dranesville District
John B. Kelso, Lee District
Laurie Frost Wilson, Commissioner At-Large

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The meeting was called to order at 8:25 p.m. by Chairman Peter F. Murphy, Jr., in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Smyth reported that the Policy and Procedures Committee had met this evening to continue discussion of revisions to the Area Plans Review process. She added that an additional Committee meeting would be held on Wednesday, July 23, 2003 at 7:30 p.m. to complete the revisions.

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Commissioner de la Fe reminded the Commission that the Transportation Committee would meet on Thursday, June 19, 2003 at 7:30 p.m.

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Chairman Murphy announced that the briefing on the Laurel Hill Plan, originally scheduled for Thursday, June 19, 2003, would be rescheduled to a later date.

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ZONING ORDINANCE AMENDMENT (Vehicle Rental Establishments) (Decision Only)
(The public hearing on this item was held on June 11, 2002. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Moon MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING VEHICLE RENTAL ESTABLISHMENTS AS ADVERTISED AND SET FORTH IN THE STAFF REPORT DATED MAY 19, 2003.

Commissioner Hall seconded the motion which carried by a vote of 7-0-2 with Commissioners Alcorn and Smyth abstaining; Commissioners DuBois, Kelso and Wilson absent from the meeting.

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ORDER OF THE AGENDA

Chairman Murphy noted that there was only one item on tonight's agenda:

1. ZONING ORDINANCE AMENDMENT (Telecommunications)
S03-CW-1CP - OUT-OF-TURN PLAN AMENDMENT (Telecommunications)

This was accepted without objection.

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Chairman Murphy turned the Chair over to Vice Chairman Byers and announced his intention to defer the decision on these two items until July 23, 2003.

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ZONING ORDINANCE AMENDMENT & S03-CW-1CP - OUT-OF-TURN PLAN AMENDMENT (Telecommunications) - Appls. to amend Chapter 112 of the Zoning Ordinance to revise the mobile and land based telecommunication facility provisions, and to amend the Comprehensive Plan (S03-CW-1CP) to provide additional policy guidance for locating and establishing mobile and land based telecommunication facilities in the County. This Plan Amendment adds new objectives and policies to the Public Facilities element of the County's Policy Plan for evaluating the appropriate location, character and extent of telecommunication facilities under the County's 2232 Review process and provides an option for administratively reviewing facilities meeting specific standards for no visual impact. PUBLIC HEARING.

Mr. David Marshall, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the language outlined in the memorandum dated June 18, 2003, from William Shoup, Zoning Administrator, a copy of which is also in the date file.

Ms. Lorrie Kirst, PD, DPZ, presented staff's position on three issues raised at the workshop held on June 11, 2003 as follows:

- removal of equipment no longer in use - staff did not recommend approval of this provision due to enforcement problems;
- whip antennas on top of utility poles - staff recommended approval of this provision; and
- color matching of antennas and their supports - staff recommended approval of this provision.

Details of these recommendations are in the June 18, 2003 memorandum.

Ms. Kirst and Mr. Marshall responded to questions from Commissioner Harsel regarding the whip antennas on top of utility poles and the utility cabinets attached to the side of the poles. Mr. Marshall confirmed that the antennas would be limited to one per pole.

Mr. Marshall and Ms. Kirst responded to questions from Commissioner Byers regarding the visual impact of facilities; the flexibility described on page 25 of the staff report; and why the provisions in paragraphs 1A(1) and 1D of Section 2-514 did not include references to the desirability of flush mounting. Ms. Kirst explained that the language regarding flush mounting appeared in the Comprehensive Plan, not in Zoning Ordinance text.

In response to questions from Commissioner Harsel, Mr. Marshall explained that the proposed revisions did not apply to television dish antennas, which were regulated by the Federal Government.

In reply to questions from Commissioner Smyth, Mr. Marshall explained how Commissioners would be informed of applications for administrative approvals and Ms. Kirst explained why the commercial areas of PDH, PDC, PRC and PRM Districts were added to paragraph 3A(1) of Section 2-514.

In response to questions from Commissioner Byers, Mr. Marshall explained that monopoles proposed on stadium light standards would be covered under policy a. of the "feature shown" guidelines outlined on pages 17 and 18 of the staff report.

Commissioner Murphy thanked the members of the Telecommunications Task Force and all the citizens who had been involved in this process. He explained that allowing telecommunications antennas in certain instances "by right" did not mean there would be no review of those facilities

at all. He added that the number of cell phone users in Fairfax County increased the demand for services and that the Task Force had been appointed to attempt to make the needed facilities as acceptable as possible.

Vice Chairman Byers called the first listed speaker and recited the rules for public testimony.

Ms. Judy Branting, 1909 Mason Hill Drive, Alexandria, representing the Mason Hill Homeowners Association, expressed her opposition to telecommunications facilities in residential areas under any circumstances. She especially objected to antennas on church properties.

In response to questions from Commissioner Hall, Mr. Marshall confirmed that all proposed telecommunications facilities would be reviewed in some manner, either administratively through staff and individual Planning Commissioners or through the full public hearing process under Section 15.2-2232 of the *Code of Virginia*.

Ms. Kirst responded to questions from Commissioners Smyth and Byers regarding the provisions of paragraph 2C of Section 2-514 on page 7 of the June 18, 2003 memorandum concerning antennas in residential areas. She explained that paragraph 2C(1) applied to residentially zoned and developed districts and that paragraph 2C(2) applied to commercial and industrial districts, the commercial portion of PDH, PDC, PRC and PRM Districts, and any district with certain special permit or special exception uses.

Mr. Sheldon Hoenig, 3104 Cunningham Drive, Alexandria, spoke in opposition to the proposed amendments, which he said would make it easier for telecommunications companies to erect monopoles over citizen objections. (A copy of Mr. Hoenig's statement is in the date file.)

Commissioner Murphy noted that there were 10 citizen representatives on the Task Force, one from each magisterial district as well as one at-large member. He added that the citizens of Fairfax County were well represented and were, in fact, the driving force behind the proposed amendments.

Mr. Tom Frank, 2000 Mason Hill Drive, Alexandria, spoke in opposition to easing the restrictions for telecommunications facilities, especially monopoles on church properties such as the one proposed near his neighborhood. He presented photographs of existing monopoles.

Terence Cooke, Esquire, with Cole, Raywid and Braverman, 1919 Pennsylvania Avenue, NW, Washington, explained that he served as an industry representative on the Task Force. He pointed out a small correction to Ms. Kirst's presentation on the issues discussed in the June 18, 2003 memorandum; i.e., that the whip-type antennas proposed for the top of existing utility poles would be approximately 2 inches in diameter, not 1 inch as mentioned by Ms. Kirst.

Mr. Michael Horwatt, 12114 Chancery Station Circle, Reston, explained that he had represented Sprint in many applications before the Commission and was also an industry representative on

the Task Force. He noted that many Fairfax County streets were lined with electric and telephone poles and lines and expressed his opinion that schools and churches were excellent locations for telecommunications facilities to provide the much needed service. He added that the objective of the proposed amendments was to minimize, not eliminate, the visual impact of such facilities. Mr. Horwatt said that the regulations in the Zoning Ordinance and the recommendations in the Comprehensive Plan were sufficient controls on telecommunications facilities.

Ms. Jody Bennett, 1459 Hunter View Farms, Vienna, referred to the provisions regarding telecommunications facilities in residential districts on pages 32 and 33 of the staff report and asked if more than one facility could be located on a property since the wording only limited "each provider" to a certain size of equipment cabinet or structure. She also questioned the administrative approval process.

At Commissioner Murphy's request, Mr. Marshall explained that a public hearing would be required for a proposed facility located on R-1 zoned land unless the facility was to be located within 10 feet of a major arterial road or unless the R-1 zoned land was developed with a non-residential use.

Ms. Karen Hunt, 2431 Villanova Drive, Vienna, concurred with the previous speakers in opposition to the proposed amendments.

Ms. Susan Notkins, 1179 Crest Lane, McLean, a member of the Telecommunications Task Force, explained the Task Force's intent behind the proposed administrative review process. She noted that Policy c. on page 18 of the staff report outlined the circumstances under which a facility could be considered a "feature shown" on the Comprehensive Plan.

Michelle Rosati, Esquire, with LeClair Ryan, 225 Reinekers Lane, Suite 290, Alexandria, a member of the Task Force, noted that the proposed amendments provided for enhanced screening of equipment cabinets. She added that, in Fairfax County, a lot of the critical coverage need areas were residential and that the objective of the amendments was to keep facilities off monopoles whenever possible.

In response to questions from Commissioner Hall, Ms. Kirst confirmed that no screening at all was required for equipment cabinets associated with street lights in residential areas.

In response to questions from Commissioner Smyth, Ms. Kirst explained that a list of the major and minor arterials in Fairfax County was in Appendix 8 of the Comprehensive Plan.

Commissioner Alcorn pointed out that Policy b. the "feature shown" guidelines on page 17 of the staff report indicated that a utility pole located within 10 feet of an existing principle or Type A minor arterial roadway could be used for a telecommunications facility. Mr. Marshall agreed.

Commissioner Harsel noted that the Comprehensive Plan referred to major and minor arterials, while the Zoning Ordinance referred to thoroughfares. Mr. Marshall explained the differences between the two references.

In response to questions from Commissioner Byers regarding proposed radome antennas on top of existing utility poles, Mr. Cooke explained that the radomes were not a panacea, but would allow the industry to provide service in residential areas where monopoles were undesirable. He added that a radome antenna, depending on topography and vegetation, had a range of between one quarter and one half of a mile.

In response to questions from Commissioner Hall, Mr. Cooke said that AT&T cabinets were generally 5 ft. by 6 ½ ft. by 2 ½ ft., about the size of a refrigerator.

In response to a comment from Commissioner Harsel, Mr. Cooke acknowledged that AT&T had used taller cabinets, up to 10 feet high, in the past, but that the newer ones were smaller in size.

Mr. Cy Berdux, 4201 Pickering Place, Alexandria, a member of the Task Force, noted that the general guidelines listed in Objective 42 on pages 14 through 17 of the staff report gave the Task Force its direction throughout the review process.

Mr. Michael Cavin, 8119 Westchester Drive, Vienna, stated that mobile phone service should not be compared with electric power service because one was a luxury and the other a necessity. He added that churches and schools were not good locations for telecommunications facilities.

Commissioner Murphy pointed out that the Federal Telecommunications Act, signed by President Clinton, defined the provision of telecommunications service as a public facility.

Commissioner Hall disagreed with Mr. Cavin's assessment of the need for mobile phone service. She pointed out that her daughter, who planned to move into her own condominium soon, did not plan to have a traditional land line and would rely solely on cellular service for telephone communication. She said that this was not a unusual situation and that many people of her daughter's generation had already made that decision. She added that cellular service was defined as a public utility and should be treated as such.

Commissioner de la Fe congratulated everyone who had worked on these amendments for their efforts. He stated that small antennas on existing utility poles in residential neighborhoods were an excellent way to provide service in an unobtrusive way.

Commissioner Alcorn commented on the administrative review guidelines listed on pages 19 through 22 of the staff report. He noted that approval of public facilities were the responsibility of the Planning Commission under state law and questioned the suitability of bypassing that procedure entirely. He suggested that a method be established, such as a consent agenda or something of that nature, that would list the administrative approvals and be placed on the

Planning Commission's agenda so that official action could be taken to endorse those approvals. He stressed that he was not suggesting that staff reports be prepared, just perhaps a one sentence description of each case.

Commissioner Alcorn commented that he intended to look a little closer at the provisions for telecommunications facilities on residential properties as shown on pages 32 and 33 of the staff report, particularly the part about minor or major arterials. He complimented the Task Force for their excellent work on the whole telecommunications issue.

In response to questions from Commissioner Smyth, Ms. Kirst confirmed that a proposal for an equipment cabinet on residential property would have to follow the regulations for the zoning district in which the property was located or obtain a Special Exception. Commissioner Smyth expressed her concern about allowing cabinets or other structures in residential front yards that might cause sight distance problems in driveways.

There were no further comments or questions from the Commission and staff had no closing remarks, therefore Vice Chairman Byers closed the public hearing and recognized Commissioner Murphy for a deferral motion. (A verbatim transcript is in the date file.)

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION DEFER DECISION ON COMPREHENSIVE PLAN AMENDMENT S03-CW-1CP AND THE ZONING ORDINANCE AMENDMENT ON MOBILE AND LAND-BASED TELECOMMUNICATIONS FACILITIES TO A DATE CERTAIN OF JULY 23, 2003, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Hall seconded the motion which carried unanimously with Commissioners DuBois, Kelso and Wilson absent from the meeting.

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The meeting was adjourned at 10:25 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Gloria L. Watkins
Approved on: May 4, 2005

Linda B. Rodeffer, Clerk to the
Fairfax County Planning Commission